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NSC STAFF FOR SINGH

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TAGS: PGOV PHUM KDEM EG

SUBJECT: EGYPT: JUDGES CLUB SUPPORTERS AND POLICE CLASH IN THE STREET AS VERDICT POSTPONED

REF: A. CAIRO 2407

1B. CAIRO 2134

Classified by ECPO Minister-Counselor Michael Corbin for reasons 1.4 (b) and (d).

11. (C) Summary: The disciplinary hearing for two leaders of the Judges' Club "revolt" against the GOE (reflets) ended today with a postponement of the verdict to May 11. Outside of the central Cairo court complex where the hearing took place, thousands of demonstrators voiced support for the judges. The demonstrators, convened under the banner of the Kefaya protest movement, numbered two to three thousand, a very large political gathering by Cairo standards. Thousands more riot police, and hundreds of plain clothes personnel, kept the demonstrators in check - trying to block and separate them whenever possible. There were a number of scuffles between police and demonstrators. Dramatic footage of hundreds of riot police swinging batons and charging demonstrators was carried on Al-Jazeera TV. The clashes come in spite of President Mubarak's assertions in an April 24 interview downplaying the dispute and ruling out drastic action from the GOE. A senior GOE insider blamed the Minister of Justice for mishandling the dispute and allowing it to develop into a major crisis. The sit-in at the Judges Club is likely to continue at least until May 11. End summary.

12. (C) The disciplinary hearing for Judges Mahmoud Makky and Hisham Bastawisy, ostensibly to hold the two to account for "slanderizing" their colleagues on the bench by revealing details of fraud and malfeasance in last fall's parliamentary elections, was convened on the morning of April 27. Though all the details of the hearing are not yet known, the board adjourned the proceeding to May 11, when a verdict is expected. Makky and Bastawisy could be dismissed from the bench if found guilty. As the two left the Central Cairo courthouse, Makky gave the crowd of hundreds waiting outside a victory sign, prompting thunderous applause.

13. (C) POL FSN, who visited the scene, estimated at least 150 police trucks were staged in the roughly six block area that encompasses the central Cairo courthouse (Dar Al-Qada Al-Aly), the Judges Club headquarters, the Lawyers Syndicate, and the Press Syndicate. In addition to thousands of Central Security Force troops in full riot gear, hundreds of plain clothes security personnel milled about. Major arteries in Central Cairo, including Ramses and 26 July Streets, were closed midday.

14. (C) Security forces set up a number of lines to prevent the at least two to three thousand demonstrators in the area from merging together. On at least one occasion, captured with dramatic footage on Al-Jazeera TV, a group of hundreds

of demonstrators were charged by a thick wall of baton-swinging Central Security Forces.

¶15. (C) A Kefaya activist contact gave poloff an emotional account of her experience on April 27. Caught with a crowd of demonstrators in a bottleneck caused by a police barricade, she took a sharp baton blow to the arm. Six young men near by were dragged away and thrown into a paddy wagon. Several others received severe beatings from baton wielding police. "You cannot imagine how low we have sunk! Why do the police attack the people in this way?! I am disgusted and shocked! Chaos prevails!" she exclaimed.

¶16. (C) At Judges Club headquarters, just a block from the courthouse, Muqbel Shaker, Deputy Chief Justice of the Court of Cassation, and Club President Zakaria Abdel Aziz gave defiant statements to the press. "They can drag all of us down, and open an investigation of me, I don't mind," Shaker stated. "We will not abandon our demands for a law that guarantees the true independence of the judiciary," Abdel Aziz told an enthusiastic crowd.

¶17. (C) Supporters of the Judges Club have been joining judges in a continuous sit-in at the Club since the referral of Club leaders Makky and Bastawisy to the disciplinary board last week (ref A). Early April 24, police intervened to break up the gathering at the Club. According to multiple press accounts, when Judge Mahmoud Hamza began to film the police's rough treatment of demonstrators using the camera in his mobile phone, he was beaten and dragged to a police station, then released and hospitalized for injuries to the head. (Note: The pro-government Rose Al-Youssef reported that Judge Hamza had threatened police with a pistol. End note.)

¶18. (C) Again on the evening of April 26, a large security force moved into the area surrounding the Judges Club, dispersing a crowd gathered for a vigil in advance of the April 27 disciplinary hearing. Civil society contacts told us that a number of those dispersed had been beaten and/or detained by police, including high profile Kefaya spokesman Kamal Khalil.

¶19. (C) On April 24, President Mubarak stated in an interview with the pro-government daily Al-Gomhouria that the dispute was an intra-judicial matter between the Judges Club and the Supreme Judicial Council - insisting that the GOE itself remained above the fray. Mubarak ruled out talk of a repeat of the 1969 "judicial massacre" in which President Nasser fired 250 judges when they organized and militated for a new judicial law. "Everyone knows how much I respect Egypt's judges and value judicial independence," the President stated.

¶10. (C) In an April 26 discussion with poloff, a senior Justice Ministry source blamed the crisis on Minister of Justice Aboul Leil - "it never should have reached this point," he told poloff. "Aboul Leil should have gone to Alexandria last year, when the first (Judges Club General Assembly) meeting happened, and sat down with the Club and worked it out." "This would have never happened under the former Minister (Farouq Seif Al-Nasser), he was a man of the Judiciary - Aboul Leil was a governor, a politician, he does not know how to deal with judges," he stated. He asserted that rather than engaging (and perhaps co-opting) the Club, Aboul Leil approached the issue as an adversary, prompting continuous escalation. (Note: There has been much speculation in the Egyptian media this week that both Justice Minister Aboul Leil, in the wake of the judicial crisis, and Interior Minister Adly, in the wake of the latest terrorist bombings, would soon be replaced. A spokesman for the Prime Minister has denied the rumors. End note.)

¶11. (C) Another contact from the Kefaya movement told us on the afternoon of April 27, that the Judges Club had resolved to continue the sit-in at the Club until the verdict in the disciplinary hearing is read on May 11.

¶12. (C) Comment: The GOE is in a tight spot. The perceived moral authority of the judges, and the Judges Club, which represents at least a majority, if not all of Egypt's judges, is considerable. Today's images of police beating the judges' unarmed supporters will not play well, inside Egypt or abroad. Our GOE contacts keep telling us that a new judiciary bill, that takes on board Judges Club demands for structural changes to the judiciary, is in preparation and will be presented before the legislative session ends in June. However, the contents of the draft remain closely held and it is uncertain whether the bill will go far enough to satisfy the Club and defuse the crisis. End comment.

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